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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,638

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EXAMINER

CHEN, TIANJIE

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,638	<b>Applicant(s)</b> NAGATA ET AL.	
	<b>Examiner</b> Tianjie Chen	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 14, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 10-13 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Non-Final Rejection***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9, 14, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawaguchi et al (US 6,944,875).

Claim 9, Kawaguchi et al shows a shutter opening/closing apparatus in Figs. 42 and 43 including:

a follower member 75 configured to be engaged, through an opening of a cartridge, with a recessed portion 28 of a wheel for opening or closing a shutter of the cartridge (Fig. 43); and

a cam mechanism 71 for controlling a movement of the follower member 75 so as to avoid contact of the follower member to a body of the cartridge at a time when the engagement between the follower member and the recessed portion is released (Fig. 42).

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Claim 14, Hawaguchi et al shows that the cam mechanism is formed with guide grooves 34 (Column 19, line 40-43) at portions near the opening of the cartridge so as to guide the follower member in a direction apart from the recessed portion at the time when the engagement between the follower member and the recessed portion is released.

Claim 15, as described above, Hawaguchi et al shows a shutter opening/closing apparatus including:

a follower member configured to be engaged, through an opening of a cartridge, with a recessed portion of a wheel for opening or closing a shutter of the cartridge; and

a cam mechanism for limiting a movement of the follower member at a time when the cartridge is loaded and disposed between the follower member and the cartridge at a position at which the follower member does not engage with the recessed portion of the wheel.

Claim 17, Hawaguchi et al shows an information reproducing apparatus in Fig. 51 including: a shutter opening/closing apparatus including a follower member configured to be engaged, through an opening of a cartridge, with a recessed portion of a wheel for opening or closing a shutter of the cartridge, and a cam mechanism for controlling a movement of the follower member so as to avoid contact of the follower member to a body of the cartridge at a time when the engagement between the follower member and the recessed portion is released; and

reproducing means for reproducing an information of a recording medium accommodated in the cartridge (Column 22, lines 43-45).

Claim 18, Hawaguchi et al shows an information reproducing apparatus including: a shutter opening/closing apparatus including a follower member

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configured to be engaged, through an opening of a cartridge, with a recessed portion of a wheel for opening or closing a shutter of the cartridge; and a cam mechanism for limiting a movement of the follower member at a time when the cartridge is loaded and disposed between the follower member and the cartridge at a position at which the follower member does not engage with the recessed portion of the wheel; and reproducing means for reproducing an information of a recording medium accommodated in the cartridge.

***Allowable Subject Matter***

3. Claims 10-13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claims 10 and 16, as the closest reference of record, Kawaguchi et al (US 6,944,875) shows a shutter opening/closing apparatus including: a follower member configured to be engaged, through an opening of a cartridge, with a recessed portion of a wheel for opening or closing a shutter of the cartridge; and a cam mechanism for controlling a movement of the follower member so as to avoid contact of the follower member to a body of the cartridge at a time when the engagement between the follower member and the recessed portion is released; and urging means 73 for urging the follower member in the direction of the recessed portion of the cartridge (Column 19, lines 60-65), the cam mechanism 72 having an inclination (at the tip portion); **but fails to show** that the follower member being moved along the inclination

in a direction apart from the recessed portion of the wheel at a time when the engagement between the follower member and the recessed portion of the wheel is released.

- With regard to claims 11-13, as the closest reference of record, Kawaguchi et al (US 6,944,875) shows a shutter opening/closing apparatus including: a follower member configured to be engaged, through an opening of a cartridge, with a recessed portion of a wheel for opening or closing a shutter of the cartridge; and a cam mechanism for controlling a movement of the follower member so as to avoid contact of the follower member to a body of the cartridge at a time when the engagement between the follower member and the recessed portion is released; **but fails to show** that the follower member includes a shaft sliding along the cam mechanism and a protruded portion formed integrally with the shaft and configured to be engaged with the recessed portion of the wheel.
- Applicant asserts; an object of the present invention is to provide a shutter opening/closing mechanism capable of automatically opening or closing a shutter in accordance with the loading or unloading of a cartridge and being free from generation of abnormal noise and backlash without giving any influence to the cartridge loading or unloading operation (Specification, p. 4).

### ***Conclusion***

4. The prior art made of record in PTO-892 form and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/

Primary Examiner, Art Unit 2627